

MELINDA HAAG (CABN 132612)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Email: kevin.barry@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No. 10-mj-70233 MAG

Plaintiff,)

v.)

STEVEN CASTRO,)

Defendant.)

**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXTENDING TIME LIMITS**

At the conclusion of the August 19, 2010, status hearing, the Court set October 5, 2010 as the date for a further status conference / preliminary hearing / arraignment. With the defendant's consent, the Court extended the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161.

On October 5, 2010, this case was called for the status conference / arraignment, but the defendant did not appear. Because of the defendant's non-appearance, the Court further extended the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. The Court set October 7, 2010 as the next status conference / arraignment date, unless the parties stipulate to a different date.

1 The parties hereby stipulate to set the next status conference / arraignment date on
 2 November 10, 2010, and they request that the Court extend the time limits provided by Federal
 3 Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161.

4 Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of
 5 time, and the parties represent that good cause exists for this extension, including the effective
 6 preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The
 7 parties also agree that the ends of justice served by granting such an exclusion of time outweigh
 8 the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9
 10 SO STIPULATED:

MELINDA HAAG
 United States Attorney

11
 12 DATED: October 5, 2010

/s/
 KEVIN J. BARRY
 Assistant United States Attorney

13
 14 DATED: October 5, 2010

/s/
 PETER ORTH
 Attorney for STEVEN CASTRO

15
 16
 17
 18
 19 ~~PROPOSED~~ ORDER

20 For the reasons stated above, the Court sets November 10, 2010 as the date for the next
 21 status conference / arraignment / preliminary hearing. The Court also finds that extension of
 22 time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from October 5, 2010
 23 through November 10, 2010 is warranted; that exclusion of this period from the time limits
 24 applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance
 25 under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition
 26 of this criminal case; and that the failure to grant the requested exclusion of time would deny
 27 counsel for the defendant and for the government the reasonable time necessary for effective
 28

1 preparation and continuity of counsel, taking into account the exercise of due diligence, and
2 would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: 10/06/10

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE UNITED STATES DISTRICT COURT OF CALIFORNIA, NORTHERN DISTRICT OF CALIFORNIA

Judge Joseph C. Spero

J. C. SPERO